

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## PLAYUP, INC.,

**Plaintiff(s),**

V.

DR. LAILA MINTAS,

Defendant(s).

Case No. 2:21-cv-02129-GMN-NJK

Order

[Docket No. 405]

Pending before the Court is Counter-Defendant Daniel Simic's motion to compel Counter-Plaintiff Laila Mintas to respond to requests for admission. Docket No. 405. Mintas filed a response in opposition. Docket No. 416. Simic filed a reply. Docket No. 420. The motion is properly resolved without a hearing. Local Rule 78-1.

“Discovery is supposed to proceed with minimal involvement of the Court.” *F.D.I.C. v. Butcher*, 116 F.R.D. 196, 203 (E.D. Tenn. 1986). Counsel must strive to be cooperative, practical, and sensible, and should seek judicial intervention “only in extraordinary situations that implicate truly significant interests.” *Cardoza v. Bloomin’ Brands, Inc.*, 141 F. Supp. 3d 1137, 1145 (D. Nev. 2015) (quoting *in re Convergent Techs. Securities Litig.*, 108 F.R.D. 328, 331 (N.D. Cal. 1985)). Courts routinely hold parties to the compromise positions their counsel have taken during the conferral process. *See, e.g., D.S. v. Clark Cnty. Sch. Dist.*, No. 2:22-cv-00246-JCM-NJK, 2023 WL 3584256, at \*2 n.4 (D. Nev. May 22, 2023).

In this case, counsel reached a compromise position during the conferral process that Mintas respond to 175 requests for admission. *See, e.g.*, Docket Nos. 405-6. The Court will hold the parties to their mutual compromise positions on the appropriate number of requests for

1 admissions.<sup>1</sup> The only issue outstanding is the amount of time for the responses. The parties  
 2 previously reached an impasse with Simic seeking responses within 20 days and Mintas seeking a  
 3 longer period of 60 days to respond. *See, e.g.*, Docket No. 405-7. In the motion practice, Simic  
 4 now asks for responses within 10 days. *See, e.g.*, Docket No. 405 at 1. Given the circumstances,  
 5 the Court finds that Simic must serve the narrowed set of 175 requests for admission within 14  
 6 days of the issuance of this order,<sup>2</sup> and Mintas must respond to those requests for admission within  
 7 30 days of the service of the narrowed set of 175 requests for admission.

8 For the reasons discussed more fully above, Simic's motion to compel is **GRANTED** in  
 9 part and **DENIED** in part.<sup>3</sup>

10 IT IS SO ORDERED.

11 Dated: November 22, 2023




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Nancy J. Koppe  
United States Magistrate Judge

21       <sup>1</sup> Simic contends in a footnote in reply that he is not bound by his counsel's compromise  
 position because an "agreement" was not reached. Docket No. 420 at 12 n.7. The conferral  
 22 process is designed to "resolve issues by agreement or to at least narrow and focus matters in  
controversy before judicial resolution is sought." *Nevada Power v. Monsanto Co.*, 151 F.R.D.  
 23 118, 120 (D. Nev. 1993) (emphasis added). The Court declines to relieve the parties of their mutual  
 24 compromise position that responses should be provided to 175 requests for admission simply  
 because they could not agree on a timeframe for those responses.

25       <sup>2</sup> The Court has provided a few extra days to narrow the requests for admission to account  
 for the Thanksgiving holiday. Of course, nothing prevents Simic from serving the narrowed  
 26 requests earlier if he would like to do so.

27       <sup>3</sup> When a motion to compel is granted in part and denied in part, the Court has broad  
 discretion in deciding whether to award expenses. *See, e.g.*, *Prodox, LLC v. Prof. Doc. Servs., Inc.*, 2021 WL 5370236, at \*5 (D. Nev. Nov. 16, 2021); Fed. R. Civ. P. 37(a)(5)(C). The  
 28 circumstances here do not justify an award of expenses, so Simic's request for them is **DENIED**.